

**Notice of Allowability**

Application No.

09/500,573

Examiner

Thomas M. Ho

Applicant(s)

CHO ET AL.

Art Unit

2134

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/3/05.
2. ☒ The allowed claim(s) is/are 27,30,33-40,42 and 44-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

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1. The RCE of 10/03/05 has been received and entered.
2. Claims 27, 30, 33-40, 42, 44-48 are pending.

*Reasons for Allowance*

In reference to newly amended claim 27:

Stefik et al. (Figure 1) discloses a method of transferring a digital data file comprising:

- Connecting a digital data player or a memory of the digital data player to a communications network via a first personal computer, where the digital data player is Repository 1, and where the first personal computer is the system from which the creator uploads his or her digital work. (Figure 1, Items 101, 102)
- Downloading a digital data file with an attached code segment from the communication network to the memory of the digital data player, where the digital data file is the digital work that the creator creates, and where the file is downloaded into the memory of the first repository and stored there.(Figure 1, Items 101, 102) & (page 3, lines 50-58)
- Connecting the digital data player or the memory of the digital data player to a second personal computer, different than the first personal computer, where the digital data player is the first repository, and the second personal computer is repository 2. (Figure 1, Items 103, 104 et seq.)
- Initiating an upload request to upload the digital data file from the memory of the digital data player to the second personal computer (Figure 1, Items 107, 108)

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- Reading the code segment attached to the digital data file, where the code segment of the file is the usage rights. (Figure 1, Items 105)
- Controlling whether or not the uploading of the digital data file is permitted to occur based upon software interpreting the code segment. (Figure 1, Items 105-108)

While Stefik et al. fails to explicitly disclose the embodiment where repository 1 is a digital player, it is understood that both repository 1 and repository 2 are computers with processors and memory, running an operating system. (page 7, line 25 – page 8, line 25). It is well known in the art that computers typically come equipped with them a basic player for digital media. For Example, the ubiquitous Microsoft windows™ has packaged with it two programs called notepad and wordpad, which allow the rendering or “playing” of text files. It also has a media player which allows for the playing of digital music files, and internet explorer which allow images to be viewed. Additionally Stefik et al. discloses with it, a type of repository called a “rendering repository” which allow for the digital works of Stefik et al. (music, video, images, text) to be rendered or “played.” (Figure 2), page 4(lines 15-20, and lines 40- 58) & page 5(lines 1-10)

Stefik et al. (page 4, lines 40-45) teaches “A rendering system is generally defined as a system comprising a repository and a rendering device which can render a digital work into its desired form”

Stefik however fails to disclose

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- uploading software from the digital data player to the second personal computer.
- Reading the code segment attached to the digital data file using the uploaded software in the second personal computer;
- Controlling whether or not the uploading of the digital data file is permitted to occur based upon the uploaded software in the second personal computer interpreting the code segment.

A search of the prior art has uncovered Stefik, EP 0715247A1 as the closest art of record.

No art disclosing, nor motivation to combine has been found which recites the limitation of uploading software from the digital data player to the second personal computer. Indeed in the art of content distribution and management, it is most prevalent to upload and download the media files, while the software itself is typically installed to a personal computer through a CD or uploaded to the computer from an external server. Additionally, the installation of the software is a separate transaction in itself, distinct from a method of transferring a digital data file as recited in the preamble to claim 27.

Claim 40 recites similar amendments and is allowable for the same reasons.

All other pending claims are dependent upon allowable claims 27 and 40 and are allowable for that reason.

### ***Conclusion***

9. Any inquiry concerning this communication from the examiner should be directed to

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Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.


The Examiner may also be reached through email through [Thomas.Ho6@uspto.gov](mailto:Thomas.Ho6@uspto.gov)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist	Telephone: 571-272-2100	Fax: 703-872-9306
Customer Service Representative	Telephone: 571-272-2100	Fax: 703-872-9306

TMH

November 17<sup>th</sup>, 2005

  
GREGORY A. MORSE  
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